UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/113,747	07/10/1998	ANDREA BASSO	1-3-66-7	8396

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EXAMINER
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ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _29 October 2003_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-53_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-53_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Appeal Brief

1.   Applicant's request for reconsideration of the finality of the rejection of the last Office

action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-53 have been considered but are moot in

view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived
> by the manner in which the invention was made.*

4.   Claims 1-4, 6-7, 10-17, 19-20, 23-30, 33-39, 42-48, and 51-53 are rejected under 35

U.S.C. 103(a) as being unpatentable over Goetz et al. (U.S. Patent No. 5,928,330/ or "Goetz"

hereinafter) in view of McCoy et al. (US Patent 6,526,575 B1).

Regarding claim 1, Goetz discloses "a computer-readable medium storing instructions

adapted to be executed on a processor, to: (a) display, at a receiver, received data; (b) analyze, at

the receiver, the quality of the displayed data; (c) formulate, at the receiver and based on the

analysis in step (b), a media-parameter suggestion for an encoder to alter the characteristics of

data to be sent to the receiver, and (d) send, from the receiver, the formulated suggestion", i.e.,

Goetz discloses a multimedia distribution system to a client i.e., a receiver such as a PC with a

display monitor (see abstract and col. 10/lines 37-63) and as being a computer readable medium

for storing instructions (as illustrated from Figs. 1-7), from a server 920 (as illustrated in Fig. 9)

wherein the multimedia files can be streaming accordingly or adjusting appropriately according

to network's characteristics (col. 4/lines 34-54) or to user's preferences (col. 8/lines 40-50) the

client or the user can change or alter the characteristics of data to be sent to him/her by

suggesting or requesting some parameter suggestions, for example, changing the desired rate of

transmission between the user's device and the server for receiving multimedia files (col. 11/lines

27-48), and the formulated suggestion or user requests for quality presentations can be obtained

by sending the requests to the server, and the server sends the requested data to the user terminal

(col. 3/lines 1-35; Figs. 10 & 11, and col. 10/line 64 to col. 12/line 13 for details on procedures

for the client how to request quality presentations being displayed on the client's device from the

server).

Applicants argues that Goetz does not analyzing the quality of displaying data at the

receiver and formulating the suggestion or request to the sender; however, this technique is

taught by McCoy teaches that the display format or the presentation at the display to the viewer

can be customized by the viewer based on their preferences and requests as different display

formats can be alternatively presented (Figs. 2 and col. 5/lines 29-40 for various multimedia

formats can be broadcasted; col. 7/lines 9-28 for the display of multimedia formats are different

based on preferences and devices; col. 10/lines 34-41 for customer specific information related;

and Figs. 7-11, col. 11/line 55 to col. 12/line 67 for default look and different display formats;

and col. 13/line 40 to col. 14/line 41 for the quality of display can be varied based on user

preferences, requests and types of broadcast programs and the viewer may be using a back

communication link 116 for requesting the updated display if needed, as shown in Fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify Goetz's system with McCoy's teaching technique of requesting the display

of presentation data as the quality of displaying data is of concern.

As for claim 2, Goetz discloses "the storing instructions adapted to be executed on a

processor to: (e) receive, at the receiver, a user preference to be used in the analysis in step (b)",

i.e., user preferences are used for opening presentations at the user terminal based on the earlier

As for claim 3, Goetz further discloses "wherein the instruction (a) to display data

includes instructions adapted to be executed by a processor to display, at the receiver,

audiovisual data", i.e., audiovisual data or multimedia data is addressed (col. 1/lines 25-38).

As for claim 4, Goetz teaches "wherein the instruction (b) to analyze the quality of the

displayed data includes instructions adapted to be run on the processor to analyze, at the receiver,

the system load", i.e., the system load or system capacity is of concern for an effective solution

as the object of this system (col. 2/lines 26-55).

As for claim 6, Goetz further teaches the step of "wherein the instruction c) to formulate

a media-parameter suggestion includes instructions adapted to be run on the processor to

formulate media-parameter suggestions that include: (I) send timing information identifying the

point in time where the data was collected; and (ii) send timing information identifying the point

in time when the suggested action should be honored" by disclosing the timing information must

be provided in order to provide the synchronization for the transmission of multimedia stream

(col. 1/line 58 to col. 2/line 14).

As for claim 7, Goetz further discloses "wherein the instruction c) to formulate a mediaparameter suggestion includes instructions adapted to be run on the processor to formulate media-parameter suggestions to: (I) alter the frame rate", i.e., different frame rates can be requested and performed (col. 8/lines 40-50; col. 10/lines 18-35; col. I 1/lines 27-48).

As for claim 10, Goetz shows the step of "wherein the instruction c) to formulate a media-parameter suggestion includes instructions adapted to be run on the processor to formulate media-parameter suggestions to: (I) alter audio channel characteristics", i.e., language or rate of audio can be changed (col. 6/lines 10-30).

As for claim 11, Goetz further discloses the step of "wherein the instruction c) to formulate a media-parameter suggestion includes instructions adapted to be run on the processor to formulate media-parameter suggestions to: (I) alter the graphics hardware load", i.e., the graphics hardware load or the graphics presentations to viewers can be changed, i.e., multiple copies can be sent (col. 10/lines 18-35).

As for claim 12, Goetz discloses "wherein the instruction c) to formulate a mediaparameter suggestion includes instructions adapted to be run on the processor to formulate media-parameter suggestions to: (I) alter the CPU load", i.e., the CPU load or the system capacity can be altered (col. 2/lines 35-55).

As for claim 13, Goetz further disclose "wherein the instruction c) to formulate a mediaparameter suggestion includes instructions adapted to be run on the processor to formulate media-parameter suggestions that include: (I) altering the RAM amount available", i.e., a RAM is addressed for storing packets containing multimedia information (col. 7/lines 19-39).

Regarding claims 14-17, 19-20 and 23-26, these claims for "a method of transmitting data

from a sender to a receiver across a network comprising: (a) displaying, at the receiver, received

data; (b) analyzing, at the receiver, the quality of the displayed data; c) formulating, at the

receiver and based on the analysis in step (b), a media-parameter suggestion for an encoder to

alter the characteristics of data to be sent to the receiver; and (d) sending, from the receiver, the

formulated suggestion to alter the quality of the received data" with same limitations as earlier

cited are rejected for the reasons given in the scope of claims 1-4, 6-7 and 10-13 as already

disclosed in details in view of McCoy as discussed above.

Regarding claims 27-30 and 33-35, these claims for "a method for transmitting data

across a network comprising: a) transmitting data to a receiver; b) receiving a suggestion to alter

the transmitted data on the basis of a quality of data transmitted in (a); c) selecting, based on the

received suggestion, an action to alter the data; and d) altering the transmitted data" with same

limitations as earlier cited are rejected for the reasons given in the scope of claims 1-4, 6-7 and

10-13 as already disclosed in details in view of McCoy as discussed above.

Regarding claims 36-39 and 42-45, these claims for "an apparatus for transmitting data

from a sender to a receiver across a network comprising: (a) a processor; (b) a port coupled to

said processor; and c) a memory coupled to said processor and said port, storing instructions

adapted to be run on said processor to: (I) display, at the receiver, received data; (ii) analyze, at

the receiver, the quality of the displayed data; (iii) formulate, at the receiver and based on the

analysis in (ii), a media-parameter suggestion for an encoder to alter the characteristics of data to

be sent to the receiver; and (iv) send, from the receiver, the formulated suggestion to alter the

quality of the received data" with a host interface as a port for interfacing to other components of

the network (Fig. 10/item 920 and Fig. 11) and with same limitations as earlier cited are rejected

for the reasons given in the scope of claims 1-4, 6-7 and 10-13 as already disclosed in details in

view of McCoy as discussed above.

Regarding claim 46-48 and 51-53, these claims for "an apparatus for transmitting data

from a sender to a receiver across a network comprising: (a) a processor; (b) a port coupled to

said processor; and c) a memory coupled to said processor and said port, storing instructions

adapted to be run on said processor to: (I) transmit data to a receiver; (ii) receive a suggestion to

alter the transmitted data on the basis of a quality of data transmitted in (i); and (iii) selecting,

based on the received suggestion, an action to alter the data; and (iv) altering the transmitted

data" with a host interface as a port for interfacing to other components of the network (Fig.

10/item 920) and with same limitations as earlier cited are rejected for the reasons given in the

scope of claims 1-4, 6-7 and 10-13 as in details in view of McCoy as discussed above.

5.   Claims 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goetz et

al (US Patent No. 5,928,330) in view of McCoy (US Patent 6,526,575 B1) as described above

and Pocock et al (U.S. Patent No. 5,014,125).

As for claims 5 and 18, Goetz and McCoy do not further disclose the detailed

components of the client receiver as claimed; however, Pocock shows "wherein the instruction

(b) to analyze the quality of the displayed data includes instructions adapted to be run on the

processor to: (I) analyze, at the receiver, component load, wherein a component is chosen from

the set comprising a central-processing unit, a graphics card, and a texture-mapping engine" (Fig.

4/item 94 for a CPU; Fig. 4/item 86 for video processor and Fig. 5/item 118 for a graphics

generator (within a graphics card); and col. 8/line 61 to col. 9/line 14 for a method of creating

commands with alphanumeric keys in commands as a texture-mapping engine). Therefore, it

would have been obvious to one of ordinary skill in the art at the time of the invention to modify

the Goetz's and McCoy's system with well-known and must-have features of a PC such as a

CPU, a graphics card and a texture-mapping engine as one of Pocock's in order to perform the

mentioned activities or analyzing the quality of displayed data as noted.

6.   Claims 8-9, 21-22, 31-32, 40-41, and 49-50 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Goetz et al (US Patent No. 5,928,330) in view of McCoy as described above

and Volk et al (U.S. Patent No. 5,673,401/ or "Volk" hereinafter).

Regarding claims 8-9, 21-22, 31-32, 40-41, and 49-50, Goetz and McCoy do not show

the computer-readable medium as of claim 2 wherein the instruction c) to formulate a

mediaparameter suggestion includes instructions adapted to be run on the processor to formulate

media-parameter suggestions to: "alter the color depth and alter the window size"; however,

Volk teaches the same technique of providing interactive two-way multimedia information data

to users. In fact, Volk teaches an enhanced user interface that allows users to customize the

control item via a user input device (Volk, col. 5/line 20-60). Volk clearly teaches an enhanced

technique of altering the color depth and the window size of the user interface at the user

terminal (col. 18/lines 10-30; col. 28/line 64 to col. 29/line 14 for altering the "window size"; and

col. 33/lines 45-55 for altering the "color depth"). Therefore, it would have been obvious to one

of ordinary skill in the art at the time the invention was made to modify Goetz's and McCoy's

interactive multimedia presentation system with Volk's teaching technique of altering the

window size and the color depth as additional tools for customizing the user interface as revealed

by Volk as preferred.

Conclusion

7.   **Any response to this action should be mailed to:**

    Commissioner of Patents and Trademarks
    Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

8.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The

examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate

Fridays off.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Christopher Grant, can be reached on (703) 305-4755.

        Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to Technology Center 2600 Customer Service Office whose telephone number

is (703) 306-0377.

Krista Bui
Art Unit 2611
January 19, 2005

KRISTA BUI
PATENT EXAMINER